

State of South Dakota

EIGHTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2014

456V0313

SENATE BILL NO. 100

Introduced by: Senators Jones (Chuck), Jones (Tom), and Kirkeby and Representatives Langer, Anderson, Erickson, Greenfield, Heinemann (Leslie), Kirschman, Mickelson, Novstrup (David), and Solum

1 FOR AN ACT ENTITLED, An Act to provide for the filling of a vacancy if no person is elected
2 to succeed an elected official in municipalities.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 9-13 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If for any reason a municipality fails to elect any person to succeed an elected official whose
7 term has expired or an elected official fails to file a nominating petition or qualify, the office is
8 deemed vacant. The elected official whose term has expired shall continue to act in an official
9 capacity until the vacancy is filled by election or appointment pursuant to § 9-13-14.1 or
10 9-13-14.2.

11 Section 2. That § 9-7-3 be amended to read as follows:

12 9-7-3. The members of the Board of Trustees shall hold office for three years and until their
13 successors are elected and qualified. A vacancy on the board shall be filled as provided in
14 § 9-13-14.1 or 9-13-14.2.



1 ~~Whenever any third class~~ When a municipality is organized, the trustees shall be elected for
2 terms of one, two, and three years respectively at the first annual election. At subsequent
3 elections each trustee shall be elected for a term of three years.

4 Section 3. That § 9-9-3 be amended to read as follows:

5 9-9-3. ~~The~~ No term of office of the members of the board including the mayor may ~~not~~
6 exceed five years as determined by ordinance, except that at the first election after the adoption
7 of the commission form of government the mayor's term shall be for five years and the
8 commissioners shall determine by lot their respective terms. ~~In case~~ If the number of
9 commissioners is four, one shall serve for one year, one for two years, one for three years, and
10 one for four years. ~~In case~~ If the number of commissioners is two, one shall serve for two years
11 and one for four years. At the annual election preceding the expiration of the term of office of
12 the mayor or any commissioner, a successor shall be elected for a term not to exceed five years
13 as determined by ordinance. A vacancy on the commission shall be filled as provided in
14 § 9-13-14.1 or 9-13-14.2.